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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,969	01/17/2002	Hiromi Hiramatsu	2635-87	5415
23117	7590	12 03.2003		EXAMINER
NIXON & VANDERHYE, PC				BERCK, KENNETH A
1100 N GLEBE ROAD				
8TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22201-4714				2879

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,969	HIRAMATSU, HIROMI	
	Examiner Ken A Berck	Art Unit 2879	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by

Yamaguchi et al. (US 4700103).

Yamaguchi discloses (fig 1) a metal shell (1), center electrode (4) within the metal shell with a given length and a tip (9) projecting from the metal shell, a ground electrode (8) including a noble metal-made tip (10) and a body (8a) joined to the shell outside the center electrode in a lateral direction of the spark plug, the tip being connected to the body through a fused portion extending towards the center electrode to define a spark gap, the ground electrode tip and the fused portion tip are located within a range defined by a first line extending from the tip of the center electrode in a lateral direction and a second line extending from a portion of the center electrode closest to the ground electrode in a longitudinal direction parallel to a longitudinal center line of the center electrode so the tips don't overlap (fig 19).

Regarding claim 2, Yamaguchi discloses (fig 13) a minimum distance between the fused portion tip and the tip of the center electrode ($f=1.56$ mm) is greater than the spark gap by 0.2 mm or more. (Fig 13 shows the distance f to be around 2 times the spark gap).

Regarding claim 3, Yamaguchi discloses (column 2, lines 3-10 and column 7, lines 60-67) the noble metal-made tip of the ground electrode is made of a cylindrical member having a diameter of 0.4 to 0.8 mm.

Regarding claim 4, Yamaguchi discloses (column 8, lines 1-33) the noble metal-made tip of the ground electrode has a length projecting the fused portion between 0.3 and 1 mm.

Regarding claim 5, Yamaguchi discloses (fig 13) the ground electrode as a first and second portion, the first portion joined to the shell, the second portion extending from the first portion towards the center line of the center electrode, the centerline of the second portion being parallel with the center line of the noble-made tip of the ground electrode.

Regarding claim 6, Yamaguchi discloses (column 8, lines 1-33) the noble metal-made tip of the ground electrode is made of an Ir alloy and a Pt alloy.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

kab


VIP PATEL
PRIMARY EXAMINER